



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JOHN D. CHERRY, JR.
LT. GOVERNOR

**EXECUTIVE ORDER
No. 2010 - 4**

**DEPARTMENT OF COMMUNITY HEALTH
DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH**

**IMPLEMENTATION OF THE
PATIENT PROTECTION AND AFFORDABLE CARE ACT**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible to take care that the laws be faithfully executed;

WHEREAS, the Patient Protection and Affordable Care Act, Public Law 111-148, as amended, was duly enacted by the United States Congress and the President of the United States and is now the law of the land;

WHEREAS, Michigan residents and businesses will benefit from this new federal law through enhanced access to quality and affordable health care, critical insurance market reforms, and reductions in the cost of health care for Michigan families and job providers;

WHEREAS, enactment of the Patient Protection and Affordable Care Act reinforces the State of Michigan's longstanding commitment to improving the health of state residents by increasing citizen access to health care, reducing costs, and improving the quality of health care;

WHEREAS, a coordinated response by the executive branch of this state is necessary for the implementation of the Patient Protection and Affordable Care Act and to assure that this state takes appropriate further action to increase access, reduce costs, and improve the quality of health care in Michigan;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. “Civil Service Commission” means the commission created under Section 5 of Article XI of the Michigan Constitution of 1963.

B. “Commissioner of Financial and Insurance Regulation” means the head of the Office of Financial and Insurance Regulation.

C. “Department of Community Health” or “Department” means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the Department of Community Health under Executive Order 1996-1, MCL 330.3101.

D. “Department of Human Services” means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550, renamed the Family Independence Agency under 1995 PA 223, MCL 400.1, and renamed the Department of Human Services under Executive Order 2004-38, MCL 400.226.

E. “Department of Technology, Management, and Budget” means the principal department of state government created as the Department of Management and Budget under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed under Executive Order 2009-55, MCL 18.441.

F. “Health Insurance Reform Coordinating Council” or “Council” means the council created within the Department of Community Health under Section II of this Order.

G. “Office of Financial and Insurance Regulation” means the office within the Department of Energy, Labor, and Economic Growth established by Executive Order 2000-4, MCL 445.2003, as the Office of Financial and Insurance Services and renamed the Office of Financial and Insurance Regulation under Executive Order 2008-2, MCL 445.2005.

H. “Office of the State Employer” means the autonomous office created within the Department of Management and Budget under Executive Order 1979-5, whose duties include, but are not limited to, those assigned by Executive Orders 1979-5, 1981-3, 1988-6, 2002-18, 2004-31, 2007-30, 2008-22, and 2009-55.

I. “Patient Protection and Affordable Care Act” or “Act” means the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010.

J. "State Budget Director" means the individual appointed by the Governor under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

K. "State Personnel Director" means the administrative and principal executive officer of the Civil Service Commission provided for under Section 5 of Article XI of the Michigan Constitution of 1963 and Section 204 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.304.

II. HEALTH INSURANCE REFORM COORDINATING COUNCIL

A. The Health Insurance Reform Coordinating Council is created as an advisory body within the Department of Community Health.

B. The Council shall consist of the following members:

1. The Director of the Department of Community Health.

2. The Director of the Department of Human Services, or his or her designee from within the Department of Human Services.

3. The Director of the Department of Technology, Management, and Budget, or his or her designee from within the Department of Technology, Management, and Budget.

4. The State Budget Director, or his or her designee from within the State Budget Office.

5. The State Personnel Director, or his or her designee from within the Civil Service Commission.

6. The Director of the Office of the State Employer, or his or her designee from within the Office of the State Employer.

7. The Commissioner of Financial and Insurance Regulation, or his or her designee from within the Office of Financial and Insurance Regulation.

8. The Director of the Medical Services Administration within the Department of Community Health.

C. The Director of the Department, or his or her designee, shall serve as the Chairperson of the Council. The Council shall elect a member of the Council to serve as Vice-Chairperson of the Council.

III. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity to the Governor and the Director of the Department of Community Health and shall do all of the following:

1. Conduct a comprehensive evaluation of the Patient Protection and Affordable Care Act, Public Law 111-148, as amended, and the potential impact of the Act upon the health care system within this state to identify crucial decision points or state action items necessary to comply with the Act or to further enhance access to health care, reduce costs, and improve the quality of health care.

2. Identify and recommend mechanisms to assure a coordinated and efficient state response to implementation of the Act.

3. Engage with relevant stakeholders to assist in the development of recommendations for implementation of the Act.

4. Facilitate collaboration with appropriate federal agencies when necessary regarding the establishment of new rules, regulations, or mechanisms for implementation of the Act.

5. Develop recommendations for implementation of a health insurance exchange in this state.

6. Analyze the impact of the Act on state departments and agencies, including, but not limited to, budgetary implications of the Act for this state.

7. Identify federal grants, pilot programs, and other non-state funding sources to assist with implementation of the Act and other measures to further enhance access to health care, reduce costs, and to improve the quality of health care in this state.

8. Recommend executive action or legislation to effectively and efficiently implement the Act.

9. Submit to the Director of the Department and to the Governor a strategic plan for the effective and efficient implementation of the Act.

10. Perform other functions related to implementation of the Act as requested by the Director of the Department or the Governor.

B. The Council may establish advisory workgroups composed of Council members or others deemed necessary by the Council to assist the Council in performing its duties and responsibilities. Members may include, without limitation, doctors, nurses, health care professionals, patient advocates, representatives from health plans and health insurers, and others with expertise in

the private sector, organized labor, government agencies, and at institutions of higher education. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Council shall be performed under the direction and supervision of the Director of the Department.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

E. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

F. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Technology, Management, and Budget, subject to available funding.

G. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, the relevant statutes, and the rules and procedures of the Civil Service Commission and the Department of Technology, Management, and Budget, subject to available funding.

H. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

I. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

V. OFFICE OF FINANCIAL AND INSURANCE REGULATION

A. The Commissioner of Financial and Insurance Regulation shall establish within the Office of Financial and Insurance Regulation an Office of Health Insurance Consumer Assistance to do all of the following:

1. Coordinate with the Office of Financial and Insurance Regulation and with consumer assistance organizations the receipt and response to inquiries and complaints concerning health insurance coverage relating to federal health insurance requirements and related requirements under Michigan law.

2. Assist with the filing of complaints and appeals, including filing appeals with an internal appeal or grievance process of a group health plan or health insurance issuer and with the provision of information about any external appeal process.

3. Collect, track, and quantify problems and inquiries encountered by consumers.

4. Educate consumers on their rights and responsibilities with respect to group health plans and health insurance coverage.

5. Assist consumers with enrollment in a group health plan or health insurance coverage by providing information, referral, and assistance.

6. Resolve problems with obtaining premium tax credits under Section 36B of the federal Internal Revenue Code of 1986.

7. Collect and report relevant data to the United States Secretary of Health and Human Services to the extent provided by federal law on the types of problems and inquiries encountered by consumers.

B. The Commissioner of Financial and Insurance Regulation shall designate an individual within the Office of Financial and Insurance Regulation to serve as the Michigan Health Insurance Consumer Assistance Ombudsman and to supervise and direct the Office of Health Insurance Consumer Assistance.

VI. MISCELLANEOUS

A. The Director of the Department of Community Health shall provide direction and supervision for the implementation of Sections II, III, and IV of this Order. The Commissioner of Financial and Insurance Regulation shall provide direction and supervision for implementation of Section V of this Order.

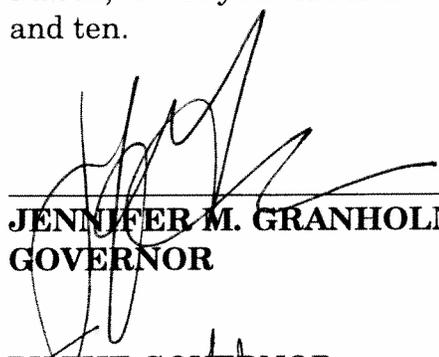
B. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Health Insurance

Reform Coordinating Council or to any member or representative of the Council, any necessary assistance required by the Council or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Council.

This Order is effective upon filing.

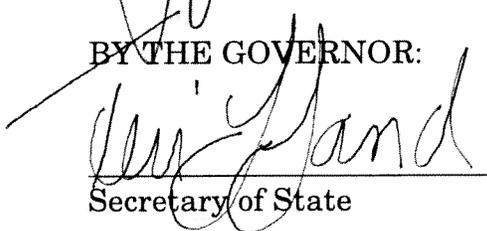


Given under my hand this 31st day of March, in the year of our Lord, two thousand and ten.



JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:



Secretary of State

FILED WITH SECRETARY OF STATE

ON 3/31/10 AT 10⁵⁰ AM